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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/633,542	08/05/2003	Yu-Ling Chiu	MR957-1373	6428
4586	7590	11/03/2004	EXAMINER	
ROSENBERG, KLEIN & LEE			BLAU, STEPHEN LUTHER	
3458 ELLICOTT CENTER DRIVE-SUITE 101			ART UNIT	
ELLICOTT CITY, MD 21043			PAPER NUMBER	
			3711	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

7w

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/633,542		CHIU, YU-LING	
	<b>Examiner</b>		<b>Art Unit</b>	
	Stephen L. Blau		3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blankenship in view of Helmstetter.

Blankenship discloses a head having a borehole (Fig. 3), a protecting insert for cushioning in the form of soft material (0018), a fixing lower end portion of an insert being smaller than an upper end portion in diameter (Fig. 5), an insert with a plurality of second holes on a lower fixing end portion for allowing glue applied over a side of a lower shaft end and glue applied over an outer side of a fixing lower end portion of an insert to be joined together (0015), and second holes being regular and irregular shaped (0016). Blankenship does not disclose what irregular shapes might be but clearly an artisan skilled in the art would have selected suitable irregular shapes in which openings are defined by a circumferentially directed first slot and an axially directed second slot intersection a first slot is included.

Blankenship lacks a head borehole having an upper portion and a lower portion smaller than an upper portion in diameter and fixing a lower end portion of the insert in

an upper portion of the bore hole, openings being defined by a circumferentially directed first slot and an axially directed second slot intersection a first slot, and a hosel.

Helmstetter discloses a hosel having an insert which a liner is positioned with the insert having an upper portion and a lower portion smaller than an upper portion in diameter and fixing a lower end portion of the liner in an upper portion of the insert (Fig. 8). In view of the patent of Helmstetter it would have been obvious to modify the head of Blankenship to have a head having a hosel with a borehole having an upper portion and a lower portion smaller than an upper portion in diameter and fixing a lower end portion of the insert in an upper portion of the bore hole in order to not be required to have a soft insert along the entire hosel for a head where the shaft contacts the sole. It would have been obvious to modify the openings of Blankenship to be defined by a circumferentially directed first slot and an axially directed second slot intersection a first slot or any shape for that matter since Blankenship discloses regular or irregular shapes openings. Openings defined by a circumferentially directed first slot and an axially directed second slot intersection a first slot is an irregular shape.

### ***Response to Arguments***

3. The argument that Blankenship does not suggest openings defined by a circumferentially directed first slot and an axially directed second slot intersection a first

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slot is disagree with. Blankenship discloses regular or irregular shapes. Clearly Blankenship suggests all shapes would be suitable and obvious choices.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (703) 308-1513. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is

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(703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 28 October 2004

  
STEPHEN BLAU  
PRIMARY EXAMINER